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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/536,494 | 05/25/2005 | Botho Hoffmann | 235811 | 6551 |

23460 7590 01/22/2007
LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6731

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| EXAMINER |
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LISTVOYB, GREGORY

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| ART UNIT | PAPER NUMBER |
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1711

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/22/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/536,494 | | HOFFMANN ET AL. | |
| | Examiner | | Art Unit | |
| | Gregory Listvoyb | | 1711 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/17/92</u> <u>5/25/2005</u> <i>ll</i> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

Claims 1-3, 7, 14, 16 and 17 rejected under 35 U.S.C. 102(b) as being anticipated by Coquard et al (US patent 4680379), herein Coquard.

Regarding Claims 1, 3 and 7 Coquard discloses semi crystalline, melt processable copolyamides, producible by condensation of terephthalic acid, adipic acid, dimerized fatty acid (for instance dimerized C18 fatty acid, Column 5, line 65) and aliphatic diamines (i.e. hexamethylenediamine) (Abstract, Claims 9 and 20).

Regarding Claim 2, Coquard does not openly teach a melting point of the above copolymer. However, he discloses that melt viscosity is measured at 260C. Therefore, inherently, melting point of the polyamides is below 260C.

In reference to Claims 14-18 Coquard discloses that the above copolymers can be mold-processed by extrusion or injection molding (hard-soft combinations) to provide shaped articles (Column 8, line 40).

Claims 1, 3-4, 6-7 rejected under 35 U.S.C. 102(b) as being anticipated by Coquard et al (US patent 4826951), herein Coquard 2.

Regarding Claims 1, 3, 4, 6 and 7 Coquard discloses semi crystalline, melt processable copolyamides, producible by condensation of terephthalic acid or its mixture with isophthalic acid or aliphatic C12 acid (Column 5, line 50), adipic acid, dimerized fatty acid (for instance, dimerized C16-20 carbon fatty acid, Column 6, line 10) and aliphatic diamines (i.e. hexamethylenediamine) (Abstract).

Claims 1-7 and 12-13 rejected under 35 U.S.C. 102(b) as being anticipated by Drawert et al (JP publication 05-12584), herein Drawert.

Regarding Claims 1, 3-4, 6-7 and 12-13, Drawert discloses semi crystalline, melt processable copolyamides, producible by condensation of terephthalic acid or its mixture with isophthalic acid or aliphatic C 4-11 acid (Abstract, lines 0019, 0020, 0021), adipic acid, dimerized fatty acid (dimerized C12-22 carbon fatty acid, line 0023) and aliphatic diamines (i.e. hexamethylenediamine or diaminononane (Abstract, line 0030).

Regarding Claim 2, the preferred melting point is 100-140C (line 0037).

In reference to Claim 5, a lactam or aminocarboxylic acid can participate in a copolycondensation (Abstract).

Claim Rejections - 35 USC § 103

Claims 1 and 8-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Coquard in combination with Nakamura (US patent 6291633), herein Nakamura.

Drawert discloses semi crystalline, melt processable copolyamides, producible by condensation of terephthalic acid or its mixture with isophthalic acid or aliphatic C 4-11 acid (Abstract, lines 0019, 0020, 0021), adipic acid, dimerized fatty acid (dimerized C12-22 carbon fatty acid, line 0023) and aliphatic diamines (i.e. hexamethylenediamine or diamnononane (Abstract, line 0030). C5-C11 Lactam or aminocarboxylic acid can participate in a copolycondensation (line 0013).

Nakamura teaches copolyamides comprising terephthalic, isophthalic and adipic acids condensed with hexamethylenediamine (Column 3) with melting point from 290C to 316C (Abstract). Variations in melting point values can be achieved by changing ratios between aromatic and aliphatic fragments of the resin. Melting point can be easily increased by raising content of terephthalic acid in copolyamide.

Materials with high melting point typically used in injection-molded or extruded articles exposed to high temperatures. Therefore, it would be obvious to a person with ordinary skills in the art to increase amount of terephthalic acid content in Drawert's copolyamides in order to obtain materials with high melting point.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Listvoyb whose telephone number is (571) 272-6105. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

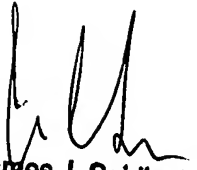
Gregory Listvoyb
Examiner
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Technology Center 1700